

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.5113 OF 2006
IN
FIRST APPEAL NO.3174 OF 2006

Union Bank of India ...Applicant

vs.

Anjum Parveez Patel ...Respondent

Mr.J.Shekhar i/b M/s.J.Shekhar & Co. for the Applicant
Mr.V.G.Mujumdar for the Respondent.

CORAM: A.S.OKA, J.
DATE : JANUARY 15, 2007.

P.C.:

1. Rule. Shri Mujumdar waives service for the Respondent. The impugned decree is a money decree and therefore unconditional stay cannot be granted. Considering the facts and circumstances of the case, Civil Application is disposed of by passing the following order :

i) There will be interim relief in terms of prayer clause (b) subject to the condition of the Applicant depositing entire decretal amount with the Trial Court within twelve weeks from today.

ii) If the amount is not deposited within time, stay granted will stand vacated without further reference to the court. If the amount is deposited, the Trial Court will permit the original Plaintiff to withdraw the amount on furnishing

adequate security. Before accepting the security, the Trial Court will hear the Applicant.

iii) If the Respondent fails to withdraw the amount within a period of six months from the date of the deposit of the amount from the Trial Court, the amount shall be invested in a fixed deposited in any nationalised bank initially for a period of three years and thereafter the fixed deposit shall be renewed on yearly basis till the disposal of the Appeal.

JUDGE